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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/866,259

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EXAMINER

TOLENTINO, RODERICK

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

11/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/866,259

Applicant(s)

YIK ET AL.

Examiner

Roderick Tolentino

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/10/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1 – 14 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3, 4, 5, 6, 7, 10 and 13 regarding the Badger reference have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant argues that Anderson fails to teach controller executing a secure switching database update process, whereby an attempt by a hostile data network node to effect a modification of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments. Examiner respectfully disagrees. Anderson teaches a controller executing a secure switching database update process, whereby an attempt by a hostile data network node to effect a modification of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments (Anderson, Paragraph 0026, updates routers when attacked). Anderson teaches how a router system switches to a protective state to protect a network DDoS attacks. By switching to an authentication mode, one of ordinary skill in the art would know that a bit/flag in the system would be set to switch to this protective state.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 – 7 and 10 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. U.S. Patent No. (6,069,889) in view of Anderson et al. U.S. PG-Publication No. (2003/0014665).

6. As per claims 1, 3, 4, 5, 6, 7, 10 and 13, Feldman teaches a plurality of communications ports (Feldman, Col. 5 Lines 13 – 20, multiple ports used), a switching database having a plurality of switching entries, each one of the plurality of switching entries specifying an association between a data network node identifier and a communications port (Feldman, Col. 5 Lines 13 – 24, router devices with routing database where identifiers relate to communications port) but fails to teach, a plurality of switching entry protection flags, each one of the plurality of switching entry protection flags being associated with a switching entry and a controller executing a secure switching database update process, whereby an attempt by a hostile data network node to effect a modification of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments. However in an analogous art Anderson teaches a plurality of switching entry protection flags, each one of the plurality of

switching entry protection flags being associated with a switching entry (Anderson, Paragraph 0025, notification triggers security authentication) and a controller executing a secure switching database update process, whereby an attempt by a hostile data network node to effect a modification of a protected switching entry is prevented when the protection flag is set, enabling the data switching node to operate securely concurrently in friendly and hostile data networking environments (Anderson, Paragraph 0026, updates routers when attacked).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Anderson's apparatus for secure automated response to distributed DOS attacks with Feldman's aggregation of data flows on switched network paths because it offers the advantage of quick and automated response upon the detection of an attack (Anderson, Paragraph 0025).

7. As per claim 11, Feldman in view of Anderson teaches a step of suppressing the replications of the data traffic to the source communications port (Anderson, Paragraph 0026, Data filters suppress information to certain destinations).

8. As per claim 12, Feldman discloses suppressing the replication of the data traffic to communications ports having the associated unknown destination flood control bit set (Anderson, Paragraph 0026, Data filters suppress information to certain destinations).

9. As per claim 14, Feldman discloses a step of suppressing the replication of the data traffic to the source communications port (Anderson, Paragraph 0026, Data filters suppress information to certain destinations).

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Feldman et al. U.S. Patent No. (6,069,889) and Anderson et al. U.S. PG-Publication No. (2003/0014665), and in further view of Civanlar et al. U.S. Patent No. (5,996,021).

11. As per claim 2, Feldman fails to teach the communication ports are represented in the switching entries via port identifiers. However, in an analogous art Civanlar teaches the communication ports are represented in the switching entries via port identifiers (Civanlar, Col. 9 Lines 6 – 26).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Civanlar's Internet protocol relay network with Feldman's aggregation of data flows on switched network paths because it offers the advantage of PORT ID fields having local significance depending on the particular IPRR and the destination of the IP Packet (Civanlar, Col. 9 Lines 6 – 26).

12. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Feldman et al. U.S. Patent No. (6,069,889) and Anderson et al. U.S. PG-Publication No. (2003/0014665), and in further view of Lubarsky et al. U.S. Patent No. (4,893,340).

13. As per claim 8, Feldman fails to teach the topology discovery disable flag is associated with the source communications port. However, in an analogous art Lubarsky teaches the topology discovery disable flag is associated with the source communications port (Lubarsky, Col. 24 Lines 13 – 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Lubarsky's multijunction unit apparatus for a digital

Art Unit: 2134

network with Feldman's aggregation of data flows on switched network paths because it offers the advantage of proper routing of information in a system.

14. As per claim 9, Feldman fails to teach the topology discovery disable flag is associated with all physical communications ports of the data switching node. However, in an analogous art Lubarsky teaches the topology discovery disable flag is associated with all physical communications ports of the data switching node (Lubarsky, Col. 24 Lines 13 – 27).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Lubarsky's multijunction unit apparatus for a digital network with Feldman's aggregation of data flows on switched network paths because it offers the advantage of proper routing of information in a system.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Roderick Tolentino

Roderick Tolentino  
Examiner  
Art Unit 2134

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER